Form 2081—G54-486-5m.
REPRODUCED FROM THE

PROCLAMATION

HOLDINGS OF THE TEXAS STATE ARCHIVES

A BY TH

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I am vetoing and disapproving H.C.R. No. 29, a resolution to give the Tyler Pipeline Company authority to sue the State of Texas which was passed at the 2nd Called Session of the 45th Legislature, for the following reasons:

I am in receipt of a communication from the Secretary of State reading as follows:

while Ad., His Excellency, the covernor, an exalled the Yorky"H.C.R. No. 29 gives "The Tylor Pipeline Company," a foreign
corporation, authority to sue the State of Texas for the recovery of core
tain franchise taxes and/or filing fees paid in excess of the proper amount
due. Session for the correspondence to the spessage, of salaring ad-

attion four records do not know a foreign corporation by this name of plant qualified to do business in Texas, although there was a domestic corporationaby this mane which filed corfificate of discolution on July 1 1936.

"Pipeline corporations which are required to pay the intangible tax are entitled to the 4/5 deduction on taxes the same as railroads. This corporations taxes seem to have been properly computed except that in they did not take the four-fifths exemption; however, the Tax Board informs me that they never paid the intangible tax and hence no four-fifths diduction would be due.

"Even if they were entitled to the deduction, the report contained instructions as to which bracket they leads under and they computed inderemitted their own tax without protest and without demand from us. Hence this would be atvoluntary payment within the courting of the Austin National Banklandes and by Corsicans Cotten Mills cases, and no refund would be approved by the courts.

"According to our records, no refund should be allowed to the domestic corporation, and we have no foreign corporation by this manner purpose

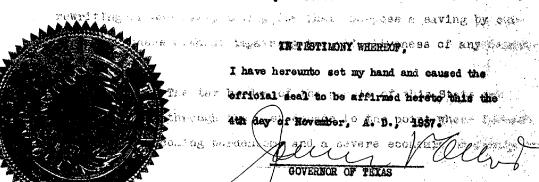
such the think this should be we tood for the short research the order as

not contag on which the cardward Clarksoverson; and

Secretary of State."

PHARIAN Is an Shought that we Legislature ghould at least

end of the 2nd called session, pursuant to the Constitution I am filing this proclamation attached to the bill with the Secretary of State:



BY THE GOVERNOR

Secretary of State

REPRODUCED IFFIOM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

H. C. & R. No. 29

the aforesaid year or years; such suit or suits may be filed in

any court of competent jurisdiction, State or Federal, in Travis.

County, Texas, and service therein may be had upon the Governor

of the State of Texas and/or the Secretary of State of the State

of Texas, and/or the Comptroller of Public Accounts of Texas

and/or the State Treasurer of the State of Texas, and/or the State

Auditor and Efficiency Expert of Texas and/or the Attorney General

of the State of Texas, and such suit or suits shall be tried and

determined in the trial and/or appellate Courts, and/or, if origi-

nal jurisdiction is sought in the Supreme Court of the State of

Texas, according to the same rules of law and procedure as to

liability and defense, that would be applicable if such suit were

brought against An ondinary person or corporation. _

PRO TEMPORE President of the Senate Speaker of the House

I hereby certify that H. C. R. No. 29 was adopted by the

House on October 22, 1937. Chief Clerk of the House

I hereby certify that H. C. R. No. 29 was adopted by the Senate on October 25, 1937.

Secretary of the Senate APPROVED /

> uu # JOCT 26 1937 Governor

EXECUTIVE DEPT. THE OF STATE

Date

FILED

THIS HODAY OF MOV. 1937